

AMENDMENTS TO THE CLAIMS

Claim 1 (Currently Amended): A primary battery comprising a positive electrode material of a nickel base compound using particles of a nickel oxyhydroxide base compound as a positive electrode active substance,

the particles of the nickel oxyhydroxide base compound having a surface coated with a higher oxide of cobalt whose oxidation number is more than three and comprising zinc and cobalt separately or an eutectic crystal with zinc and cobalt,

the content of the higher oxide of cobalt is 0.6 to 3.6 mass% of the coated particles of the nickel oxyhydroxide base compound, and

the particles of the nickel oxyhydroxide base compound having a half-width of an X-ray diffraction peak in an X-ray diffraction pattern of 0.4 to 0.48 obtained by using a CuK $\alpha$  line as an X-ray source.

Claim 2 (Canceled)

Claim 3 (Currently Amended): A primary battery comprising a positive electrode material of a nickel base compound using particles of a nickel oxyhydroxide base compound as a positive electrode active substance and zinc or an alloy of zinc as a negative electrode material,

the particles of the nickel oxyhydroxide base compound having a surface coated with a higher oxide of cobalt whose oxidation number is more than three and comprising zinc and cobalt separately or an eutectic crystal with zinc and cobalt,

the content of the higher oxide of cobalt is 0.6 to 3.6 mass% of the coated particles of the nickel oxyhydroxide base compound,

the particles of the nickel oxyhydroxide base compound having a half-width of an X-ray diffraction peak in an X-ray diffraction pattern of 0.4 to 0.48 obtained by using a CuK $\alpha$  line as an X-ray source, and

the zinc or an alloy of zinc as the negative electrode material comprising a powder with that contains particles having a particle diameter of 75  $\mu$ m or less in the range a proportion of 10% by mass or more and 20% by mass or less 10 to 20 mass%.

Claim 4 (Canceled)

Claim 5 (New): The primary battery according to Claim 1, wherein the positive electrode material also comprises at least one selected from the group consisting of a compound of Y, a compound of Er, a compound of Yb. and a compound of Ca.

Claim 6 (New): The primary battery according to Claim 1, wherein the positive electrode material also comprises a carbon conductive material and a binder.

Claim 7 (New): The primary battery according to Claim 6, wherein the carbon conductive material is selected from the group consisting of graphite and carbon black.

Claim 8 (New): The primary battery according to Claim 1, wherein the particles of the nickel oxyhydroxide base compound have an average particle diameter in a range of from 1 to 50  $\mu\text{m}$ .

Claim 9 (New): The primary battery according to Claim 1, wherein the particles of the nickel oxyhydroxide base compound comprise the eutectic crystal.

Claim 10 (New): The primary battery according to Claim 1, wherein the X-ray diffraction peak corresponds to a diffraction angle of  $18^\circ$ .

Claim 11 (New): The primary battery according to Claim 3, wherein the positive electrode material also comprises at least one selected from the group consisting of a compound of Y, a compound of Er, a compound of Yb. and a compound of Ca.

Claim 12 (New): The primary battery according to Claim 3, wherein the positive electrode material also comprises a carbon conductive material and a binder.

Claim 13 (New): The primary battery according to Claim 12, wherein the carbon conductive material is selected from the group consisting of graphite and carbon black.

Claim 14 (New): The primary battery according to Claim 3, wherein the particles of the nickel oxyhydroxide base compound have an average particle diameter in a range of from 1 to 50  $\mu\text{m}$ .

Claim 15 (New): The primary battery according to Claim 3, wherein the particles of the nickel oxyhydroxide base compound comprise the eutectic crystal.

Claim 16 (New): The primary battery according to Claim 3, wherein the X-ray diffraction peak corresponds to a diffraction angle of  $18^\circ$ .

Claim 17 (New): The primary battery according to Claim 3, wherein the zinc or an alloy of zinc as the negative electrode material comprises a powder that contains particles having a particle diameter of 75  $\mu\text{m}$  or less in a proportion of 10 to 15 mass%.